

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: ETHICON, INC., PELVIC  
REPAIR SYSTEM PRODUCTS  
LIABILITY LITIGATION**

MDL No. 2327

**TRANSFER ORDER**

**Before the Panel:**\* Plaintiffs in the six actions listed on Schedule A move under Panel Rule 7.1 to vacate our orders conditionally transferring the actions to MDL No. 2327. Responding defendants Johnson & Johnson and Ethicon, Inc. (collectively, Ethicon) oppose the motions to vacate.

After considering the argument of counsel, we find these actions involve common questions of fact with the actions previously transferred to MDL No. 2327, and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Plaintiffs do not dispute that their actions share questions of fact with MDL No. 2327. Like many of the already-centralized actions, these actions involve factual questions arising from allegations that Ethicon and related entities defectively designed, manufactured, and marketed pelvic surgical mesh products, resulting in serious injuries, and that defendants failed to provide appropriate warnings and instructions regarding the risks and dangers posed by the devices. *See In re: Ethicon, Inc., Pelvic Repair Sys. Prods. Liab. Litig., et al.*, 844 F. Supp. 2d 1359 (J.P.M.L. 2012).

In support of the motions to vacate, plaintiffs argue that their actions were improperly removed and motions to remand to state court are pending. The Panel often has held that jurisdictional issues do not present an impediment to transfer, as plaintiffs can present these arguments to the transferee judge.<sup>1</sup> *See, e.g., In re: Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347-48 (J.P.M.L. 2001).

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\* Judge Charles R. Breyer took no part in the decision of this matter.

<sup>1</sup> Moreover, under Panel Rule 2.1(d), the pendency of a conditional transfer order does not limit the pretrial jurisdiction of the court in which the subject action is pending. Between the date a remand motion is filed and the date that transfer of the action to the MDL is finalized, a court generally has adequate time to rule on a remand motion if it chooses to do so. Indeed, the Southern District of Texas recently denied the *Locke* plaintiffs' motion to remand.

-2-

IT IS THEREFORE ORDERED that the actions listed on Schedule A are transferred to the Southern District of West Virginia and, with the consent of that court, assigned to the Honorable Joseph R. Goodwin for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



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Sarah S. Vance  
Chair

Marjorie O. Rendell  
Ellen Segal Huvelle  
Catherine D. Perry

Lewis A. Kaplan  
R. David Proctor

**IN RE: ETHICON, INC., PELVIC  
REPAIR SYSTEM PRODUCTS  
LIABILITY LITIGATION**

MDL No. 2327

**SCHEDULE A**

Eastern District of Missouri

GEEL, ET AL. v. ETHICON, INC., ET AL., C.A. No. 4:14-01397  
MILLER, ET AL. v. ETHICON, INC., ET AL., C.A. No. 4:14-01403

District of New Mexico

TORRES, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 1:14-00743

Eastern District of Texas

BRAGG, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 6:14-00719

Northern District of Texas

EVANS, ET AL. v. ETHICON, INC., ET AL., C.A. No. 3:14-03062

Southern District of Texas

LOCKE, ET AL. v. ETHICON, INC., ET AL., C.A. No. 4:14-02648



Activity in Case MDL No. 2327 IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation Existing Transfer Order (Transferee Court)

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12/12/2014 11:44 AM

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## United States

### United States Judicial Panel on Multidistrict Litigation

#### Notice of Electronic Filing

The following transaction was entered on 12/12/2014 at 11:44 AM EST and filed on 12/12/2014

**Case Name:** IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

**Case Number:** [MDL No. 2327](#)

**Filer:**

**Document Number:** No document attached

**Docket Text:**

**\*\*\*TEXT ONLY ENTRY\*\*\***

#### MINUTE ORDER -- TO TRANSFeree CLERK: ACTION REQUIRED

A transfer order has been filed today in this litigation. The order is directed to your court for filing. Rule 2.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, states...An order to transfer or remand pursuant to 28 U.S.C. 1407 shall be effective only upon its filing with the clerk of the transferee district court.

Signed by Clerk of the Panel Jeffery N. Luthi on 12/12/2014.

**Associated Cases:** MDL No. 2327, MOE/4:14-cv-01397, MOE/4:14-cv-01403, NM/1:14-cv-00743, TXE/6:14-cv-00719, TXN/3:14-cv-03062, TXS/4:14-cv-02648 (TB)

**Case Name:** Bragg et al v. Johnson & Johnson et al  
**Case Number:** [TXE/6:14-cv-00719](#)  
**Filer:**  
**Document Number:** No document attached

**Docket Text:**  
\*\*\*TEXT ONLY ENTRY\*\*\*

**MINUTE ORDER -- TO TRANSFeree CLERK: ACTION REQUIRED**

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Signed by Clerk of the Panel Jeffery N. Luthi on 12/12/2014.

**Associated Cases:** MDL No. 2327, MOE/4:14-cv-01397, MOE/4:14-cv-01403, NM/1:14-cv-00743, TXE/6:14-cv-00719, TXN/3:14-cv-03062, TXS/4:14-cv-02648 (TB)

**Case Name:** Locke et al v. Ethicon Inc et al  
**Case Number:** [TXS/4:14-cv-02648](#)  
**Filer:**  
**Document Number:** No document attached

**Docket Text:**  
\*\*\*TEXT ONLY ENTRY\*\*\*

**MINUTE ORDER -- TO TRANSFeree CLERK: ACTION REQUIRED**

A transfer order has been filed today in this litigation. The order is directed to your court for filing. Rule 2.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, states...An order to transfer or remand pursuant to 28 U.S.C. 1407 shall be effective only upon its filing with the clerk of the transferee district court.

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**Associated Cases:** MDL No. 2327, MOE/4:14-cv-01397, MOE/4:14-cv-01403, NM/1:14-cv-00743, TXE/6:14-cv-00719, TXN/3:14-cv-03062, TXS/4:14-cv-02648 (TB)

**Case Name:** Miller et al v. Ethicon, Inc. et al  
**Case Number:** [MOE/4:14-cv-01403](#)  
**Filer:**  
**Document Number:** No document attached

**Docket Text:**

**\*\*\*TEXT ONLY ENTRY\*\*\***

**MINUTE ORDER -- TO TRANSFEREE CLERK: ACTION REQUIRED**

A transfer order has been filed today in this litigation. The order is directed to your court for filing. Rule 2.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, states...An order to transfer or remand pursuant to 28 U.S.C. 1407 shall be effective only upon its filing with the clerk of the transferee district court.

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Associated Cases: MDL No. 2327, MOE/4:14-cv-01397, MOE/4:14-cv-01403, NM/1:14-cv-00743, TXE/6:14-cv-00719, TXN/3:14-cv-03062, TXS/4:14-cv-02648 (TB)

Case Name: Geel et al v. Ethicon, Inc. et al

Case Number: [MOE/4:14-cv-01397](#)

Filer:

Document Number: No document attached

Docket Text:

**\*\*\*TEXT ONLY ENTRY\*\*\***

**MINUTE ORDER -- TO TRANSFEREE CLERK: ACTION REQUIRED**

A transfer order has been filed today in this litigation. The order is directed to your court for filing. Rule 2.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, states...An order to transfer or remand pursuant to 28 U.S.C. 1407 shall be effective only upon its filing with the clerk of the transferee district court.

Signed by Clerk of the Panel Jeffery N. Luthi on 12/12/2014.

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Case Name: Torres et al v. Johnson & Johnson et al

Case Number: [NM/1:14-cv-00743](#)

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Document Number: No document attached

Docket Text:

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**MINUTE ORDER -- TO TRANSFEREE CLERK: ACTION REQUIRED**

A transfer order has been filed today in this litigation. The order is directed to your court for filing. Rule 2.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, states...An order to transfer or remand pursuant to 28 U.S.C. 1407 shall be effective only upon its filing with the clerk of the transferee district court.

**Signed by Clerk of the Panel Jeffery N. Luthi on 12/12/2014.**

**Associated Cases:** MDL No. 2327, MOE/4:14-cv-01397, MOE/4:14-cv-01403, NM/1:14-cv-00743, TXE/6:14-cv-00719, TXN/3:14-cv-03062, TXS/4:14-cv-02648 (TB)

**Case Name:** Evans et al v. Ethicon Inc et al

**Case Number:** [TXN/3:14-cv-03062](#)

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**Docket Text:**

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**MINUTE ORDER -- TO TRANSFeree CLERK: ACTION REQUIRED**

A transfer order has been filed today in this litigation. The order is directed to your court for filing. Rule 2.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, states...An order to transfer or remand pursuant to 28 U.S.C. 1407 shall be effective only upon its filing with the clerk of the transferee district court.

**Signed by Clerk of the Panel Jeffery N. Luthi on 12/12/2014.**

**Associated Cases:** MDL No. 2327, MOE/4:14-cv-01397, MOE/4:14-cv-01403, NM/1:14-cv-00743, TXE/6:14-cv-00719, TXN/3:14-cv-03062, TXS/4:14-cv-02648 (TB)

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Activity in Case MDL No. 2327 IN RE: Ethicon, Inc., Pelvic Repair System Products  
Liability Litigation Transfer Order  
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United States

United States Judicial Panel on Multidistrict Litigation

### Notice of Electronic Filing

The following transaction was entered on 12/12/2014 at 11:33 AM EST and filed on 12/12/2014

**Case Name:** IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

**Case Number:** [MDL No. 2327](#)

**Filer:**

**Document Number:** [1833](#)

### Docket Text:

**TRANSFER ORDER** re: pldg. ([1736] in MDL No. 2327, 6 in TXS/4:14-cv-02648), ([1704] in MDL No. 2327, 10 in NM/1:14-cv-00743), ([1698] in MDL No. 2327, 6 in MOE/4:14-cv-01403), ([1699] in MDL No. 2327, 6 in MOE/4:14-cv-01397), ([1746] in MDL No. 2327, 8 in



MOE/4:14-cv-01397, 8 in MOE/4:14-cv-01403, 14 in NM/1:14-cv-00743, 10 in TXE/6:14-cv-00719, 9 in TXN/3:14-cv-03062, 7 in TXS/4:14-cv-02648), ([1709] in MDL No. 2327, 7 in TXE/6:14-cv-00719, 6 in TXN/3:14-cv-03062)

Transferring 6 action(s) - MDL No. 2327, MOE/4:14-cv-01397, MOE/4:14-cv-01403, NM/1:14-cv-00743, TXE/6:14-cv-00719, TXN/3:14-cv-03062, TXS/4:14-cv-02648

Signed by Judge Sarah S. Vance, Chair, PANEL ON MULTIDISTRICT LITIGATION, on 12/12/2014.

Associated Cases: MDL No. 2327, MOE/4:14-cv-01397, MOE/4:14-cv-01403, NM/1:14-cv-00743, TXE/6:14-cv-00719, TXN/3:14-cv-03062, TXS/4:14-cv-02648 (TB)

Case Name: Bragg et al v. Johnson & Johnson et al

Case Number: [TXE/6:14-cv-00719](#)

Filer:

Document Number: [13](#)

**Docket Text:**

TRANSFER ORDER re: pldg. ( [1736] in MDL No. 2327, 6 in TXS/4:14-cv-02648), ( [1704] in MDL No. 2327, 10 in NM/1:14-cv-00743), ( [1698] in MDL No. 2327, 6 in MOE/4:14-cv-01403), ( [1699] in MDL No. 2327, 6 in MOE/4:14-cv-01397), ( [1746] in MDL No. 2327, 8 in MOE/4:14-cv-01397, 8 in MOE/4:14-cv-01403, 14 in NM/1:14-cv-00743, 10 in TXE/6:14-cv-00719, 9 in TXN/3:14-cv-03062, 7 in TXS/4:14-cv-02648), ( [1709] in MDL No. 2327, 7 in TXE/6:14-cv-00719, 6 in TXN/3:14-cv-03062)

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Case Name: Locke et al v. Ethicon Inc et al

Case Number: [TXS/4:14-cv-02648](#)

Filer:

Document Number: [16](#)

**Docket Text:**

TRANSFER ORDER re: pldg. ( [1736] in MDL No. 2327, 6 in TXS/4:14-cv-02648), ( [1704] in MDL No. 2327, 10 in NM/1:14-cv-00743), ( [1698] in MDL No. 2327, 6 in MOE/4:14-cv-01403), ( [1699] in MDL No. 2327, 6 in MOE/4:14-cv-01397), ( [1746] in MDL No. 2327, 8 in MOE/4:14-cv-01397, 8 in MOE/4:14-cv-01403, 14 in NM/1:14-cv-00743, 10 in TXE/6:14-cv-00719, 9 in TXN/3:14-cv-03062, 7 in TXS/4:14-cv-02648), ( [1709] in MDL No. 2327, 7 in TXE/6:14-cv-00719, 6 in TXN/3:14-cv-03062)

Transferring 6 action(s) - MDL No. 2327, MOE/4:14-cv-01397, MOE/4:14-cv-01403,

**NM/1:14-cv-00743, TXE/6:14-cv-00719, TXN/3:14-cv-03062, TXS/4:14-cv-02648**

**Signed by Judge Sarah S. Vance, Chair, PANEL ON MULTIDISTRICT LITIGATION, on 12/12/2014.**

**Associated Cases: MDL No. 2327, MOE/4:14-cv-01397, MOE/4:14-cv-01403, NM/1:14-cv-00743, TXE/6:14-cv-00719, TXN/3:14-cv-03062, TXS/4:14-cv-02648 (TB)**

**Case Name:** Miller et al v. Ethicon, Inc. et al

**Case Number:** [MOE/4:14-cv-01403](#)

**Filer:**

**Document Number:** [11](#)

**Docket Text:**

**TRANSFER ORDER re: pldg. ( [1736] in MDL No. 2327, 6 in TXS/4:14-cv-02648), ( [1704] in MDL No. 2327, 10 in NM/1:14-cv-00743), ( [1698] in MDL No. 2327, 6 in MOE/4:14-cv-01403), ( [1699] in MDL No. 2327, 6 in MOE/4:14-cv-01397), ( [1746] in MDL No. 2327, 8 in MOE/4:14-cv-01397, 8 in MOE/4:14-cv-01403, 14 in NM/1:14-cv-00743, 10 in TXE/6:14-cv-00719, 9 in TXN/3:14-cv-03062, 7 in TXS/4:14-cv-02648), ( [1709] in MDL No. 2327, 7 in TXE/6:14-cv-00719, 6 in TXN/3:14-cv-03062)**

**Transferring 6 action(s) - MDL No. 2327, MOE/4:14-cv-01397, MOE/4:14-cv-01403, NM/1:14-cv-00743, TXE/6:14-cv-00719, TXN/3:14-cv-03062, TXS/4:14-cv-02648**

**Signed by Judge Sarah S. Vance, Chair, PANEL ON MULTIDISTRICT LITIGATION, on 12/12/2014.**

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**Case Name:** Geel et al v. Ethicon, Inc. et al

**Case Number:** [MOE/4:14-cv-01397](#)

**Filer:**

**Document Number:** [11](#)

**Docket Text:**

**TRANSFER ORDER re: pldg. ( [1736] in MDL No. 2327, 6 in TXS/4:14-cv-02648), ( [1704] in MDL No. 2327, 10 in NM/1:14-cv-00743), ( [1698] in MDL No. 2327, 6 in MOE/4:14-cv-01403), ( [1699] in MDL No. 2327, 6 in MOE/4:14-cv-01397), ( [1746] in MDL No. 2327, 8 in MOE/4:14-cv-01397, 8 in MOE/4:14-cv-01403, 14 in NM/1:14-cv-00743, 10 in TXE/6:14-cv-00719, 9 in TXN/3:14-cv-03062, 7 in TXS/4:14-cv-02648), ( [1709] in MDL No. 2327, 7 in TXE/6:14-cv-00719, 6 in TXN/3:14-cv-03062)**

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**Associated Cases:** MDL No. 2327, MOE/4:14-cv-01397, MOE/4:14-cv-01403, NM/1:14-cv-00743, TXE/6:14-cv-00719, TXN/3:14-cv-03062, TXS/4:14-cv-02648 (TB)

**Case Name:** Torres et al v. Johnson & Johnson et al  
**Case Number:** [NM/1:14-cv-00743](#)  
**Filer:**  
**Document Number:** [18](#)

**Docket Text:**

TRANSFER ORDER re: pldg. ( [1736] in MDL No. 2327, 6 in TXS/4:14-cv-02648), ( [1704] in MDL No. 2327, 10 in NM/1:14-cv-00743), ( [1698] in MDL No. 2327, 6 in MOE/4:14-cv-01403), ( [1699] in MDL No. 2327, 6 in MOE/4:14-cv-01397), ( [1746] in MDL No. 2327, 8 in MOE/4:14-cv-01397, 8 in MOE/4:14-cv-01403, 14 in NM/1:14-cv-00743, 10 in TXE/6:14-cv-00719, 9 in TXN/3:14-cv-03062, 7 in TXS/4:14-cv-02648), ( [1709] in MDL No. 2327, 7 in TXE/6:14-cv-00719, 6 in TXN/3:14-cv-03062)

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**Case Name:** Evans et al v. Ethicon Inc et al  
**Case Number:** [TXN/3:14-cv-03062](#)  
**Filer:**  
**Document Number:** [13](#)

**Docket Text:**

TRANSFER ORDER re: pldg. ( [1736] in MDL No. 2327, 6 in TXS/4:14-cv-02648), ( [1704] in MDL No. 2327, 10 in NM/1:14-cv-00743), ( [1698] in MDL No. 2327, 6 in MOE/4:14-cv-01403), ( [1699] in MDL No. 2327, 6 in MOE/4:14-cv-01397), ( [1746] in MDL No. 2327, 8 in MOE/4:14-cv-01397, 8 in MOE/4:14-cv-01403, 14 in NM/1:14-cv-00743, 10 in TXE/6:14-cv-00719, 9 in TXN/3:14-cv-03062, 7 in TXS/4:14-cv-02648), ( [1709] in MDL No. 2327, 7 in TXE/6:14-cv-00719, 6 in TXN/3:14-cv-03062)

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**MDL No. 2327 Notice has been electronically mailed to:**

Carl N Frankovitch carl@facslaw.com, terry@facslaw.com

Michael J Farrell mjf@farrell3.com

Michael Bonasso mbonasso@fsblaw.com, etaylor@fsblaw.com, mdl@fsblaw.com,  
nthompson@fsblaw.com

Harry F. Bell, Jr hfbell@belllaw.com, camclain@belllaw.com

DAVID B. THOMAS dthomas@tcspllc.com, rdavis@tcspllc.com

Paul T. Farrell, Jr paul@greeneketchum.com, lora@greeneketchum.com

Marc E. Williams marc.williams@nelsonmullins.com

**MDL No. 2327 Notice will not be electronically mailed to:**

**TXE/6:14-cv-00719 Notice has been electronically mailed to:**

Christy D. Jones christy.jones@butlersnow.com, ashley.lampkin@butlersnow.com,  
brandy.pitts@butlersnow.com, catherine.mason@butlersnow.com, ecf.notices@butlersnow.com,  
kcrawford@riker.com, mkabbash@riker.com

J Frank Kinsel, Jr jkinsel@canteyhanger.com

Julie Rhoades jrhoades@thematthewslawfirm.com

Tim K. Goss tim@freeseandgoss.com, andrea@freeseandgoss.com, tbanno@freeseandgoss.com

David Paul Matthews dmatthews@thematthewslawfirm.com, aharrison@thematthewslawfirm.com,  
spickard@thematthewslawfirm.com

Kevin L Edwards kevin@edwardsdelacerda.com

Peter De La Cerda peter@edwardsdelacerda.com

Richard A Capshaw richard@capslaw.com, anna@capslaw.com

**TXE/6:14-cv-00719 Notice will not be electronically mailed to:**

**TXS/4:14-cv-02648 Notice has been electronically mailed to:**

Christy D. Jones christy.jones@butlersnow.com, ashley.lampkin@butlersnow.com,  
brandy.pitts@butlersnow.com, catherine.mason@butlersnow.com, ecf.notices@butlersnow.com,  
kcrawford@riker.com, mkabbash@riker.com

Julie Rhoades jrhoades@thematthewslawfirm.com

Tim K. Goss tim@freeseandgoss.com, andrea@freeseandgoss.com, tbanno@freeseandgoss.com

David Paul Matthews dmatthews@thematthewslawfirm.com, aharrison@thematthewslawfirm.com, spickard@thematthewslawfirm.com

Joseph Andrew Love love@wrightclose.com

Kevin L Edwards kevin@edwardsdelacerda.com

Peter De La Cerda peter@edwardsdelacerda.com

Richard A Capshaw richard@capslaw.com, anna@capslaw.com

Tamara Lynn Banno Tbanno@tlb-law.com, tbanno@freeseandgoss.com

**TXS/4:14-cv-02648 Notice will not be electronically mailed to:**

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HENRY G. GARRARD, III hgg@bbgbalaw.com, bjs@bbgbalaw.com, gbb@bbgbalaw.com, jab@bbgbalaw.com, jbw@bbgbalaw.com, klw@bbgbalaw.com, slh@bbgbalaw.com

Christy D. Jones christy.jones@butlersnow.com, ashley.lampkin@butlersnow.com, brandy.pitts@butlersnow.com, catherine.mason@butlersnow.com, ecf.notices@butlersnow.com, kcrawford@riker.com, mkabbash@riker.com

Jeffrey J. Lowe jeff@jefflowepc.com

Andrew J. Cross across@careydanis.com

Clayton A Clark cclark@TrialLawFirm.com, bdeady@triallawfirm.com, dblack@triallawfirm.com

Scott A Love slove@triallawfirm.com, bgreif@triallawfirm.com

John J Carey jcarey@careydanis.com

Randy J. Soriano rjsoriano@bryancave.com

Joseph P Danis jdanis@careydanis.com

Bettina J. Strauss bjstrauss@bryancave.com

Sarah Shoemake Doles sdoles@careydanis.com

W. Michael Moreland mmoreland@triallawfirm.com

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**MOE/4:14-cv-01397 Notice has been electronically mailed to:**

HENRY G. GARRARD, III hgg@bbgbalaw.com, bjs@bbgbalaw.com, gbb@bbgbalaw.com, jab@bbgbalaw.com, jbw@bbgbalaw.com, klw@bbgbalaw.com, slh@bbgbalaw.com

Christy D. Jones christy.jones@butlersnow.com, ashley.lampkin@butlersnow.com,  
brandy.pitts@butlersnow.com, catherine.mason@butlersnow.com, ecf.notices@butlersnow.com,  
kcrawford@riker.com, mkabbash@riker.com

Jeffrey J. Lowe jeff@jefflowepc.com

Andrew J. Cross across@careydans.com

Scott A Love slove@triallawfirm.com, bgreif@triallawfirm.com

John J Carey jcarey@careydans.com

Randy J. Soriano rjsoriano@bryancave.com

Bettina J. Strauss bjstrauss@bryancave.com

Sarah Shoemake Doles sdoles@careydans.com

W. Michael Moreland mmoreland@triallawfirm.com

**MOE/4:14-cv-01397 Notice will not be electronically mailed to:**

**NM/1:14-cv-00743 Notice has been electronically mailed to:**

Jason Aron Itkin jitkin@arnolditkin.com, cmartinez@arnolditkin.com, kbrown@arnolditkin.com,  
mgarcia@arnolditkin.com, mmartinez@arnolditkin.com, nwexler@arnolditkin.com,  
valford@arnolditkin.com

Kurt B Arnold karnold@arnolditkin.com, jerickson@arnolditkin.com, kmcdonald@arnolditkin.com,  
mmartinez@arnolditkin.com, mveer@arnolditkin.com, nwexler@arnolditkin.com

Christy D. Jones christy.jones@butlersnow.com, ashley.lampkin@butlersnow.com,  
brandy.pitts@butlersnow.com, catherine.mason@butlersnow.com, ecf.notices@butlersnow.com,  
kcrawford@riker.com, mkabbash@riker.com

J. Steve Mostyn eaharris@mostynlaw.com

Jennifer G Anderson janderson@modrall.com

Timothy C Holm tch@modrall.com

Noah M. Wexler nwexler@arnolditkin.com, tpeebles@arnolditkin.com

Anita Modak-Truran Anita.Modak-Truran@butlersnow.com

Justin Ross Kaufman jkaufman@heardrobins.com, smonsey@heardrobins.com

Micajah D Boatright cboatright@arnolditkin.com

Jordan N Walker Jordan.Walker@butlersnow.com

**NM/1:14-cv-00743 Notice will not be electronically mailed to:**

**TXN/3:14-cv-03062 Notice has been electronically mailed to:**

Christy D. Jones christy.jones@butlersnow.com, ashley.lampkin@butlersnow.com,  
brandy.pitts@butlersnow.com, catherine.mason@butlersnow.com, ecf.notices@butlersnow.com,  
kcrawford@riker.com, mkabbash@riker.com

J Frank Kinsel, Jr jkinsel@canteyhanger.com

Julie Rhoades jrhoades@thematthewslawfirm.com

Tim K. Goss tim@freeseandgoss.com, andrea@freeseandgoss.com, tbanno@freeseandgoss.com

David Paul Matthews dmatthews@thematthewslawfirm.com, aharrison@thematthewslawfirm.com,  
spickard@thematthewslawfirm.com

Kevin L Edwards kevin@edwardsdelacerda.com

Peter De La Cerda peter@edwardsdelacerda.com

Richard A Capshaw richard@capslaw.com, anna@capslaw.com

Carol Jean Traylor ctraylor@canteyhanger.com

Tamara Lynn Banno tbanno@tlb-law.com, Tbanno@tlb-law.com

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